

REMARKS

Claims 1-3, 5-22 will be pending upon entry of the present amendment. Claims 6 and 18 are amended and new claim 22 is herein submitted. Claim 4 was previously canceled.

Applicant thanks the Examiner for consenting to a telephone conference with applicant's representative, which was useful in clarifying the Examiner's position for the applicant.

The Examiner has rejected claims 6-8, 10, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Pollock (2,251,600), claims 1-3 and 5-15 under 35 U.S.C. § 103(a) as being unpatentable over Pollock in view of Harrison (5,588,352), and the Examiner has rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Pollock.

In rejecting claim 1, the Examiner acknowledges that Pollock "does not teach a coupling device located in a bottom region of the chamber which engages the base." The Examiner relies on the teachings of Harrison to teach a coupling device which engages a base. In the rejection, the Examiner cites a feature from Pollock (#20) and a feature from Harrison (#38) as each corresponding to the base of claim 1. However, an examination of the respective references will reveal that the cited features are structurally and functionally significantly different. In particular, the support 38 of Harrison, which is configured to facilitate the boiling of bagel dough, bears no structural or functional similarity to the base as claimed in claim 1, nor with any embodiment disclosed in the specification. Specifically, claim 1 recites a frame having laterally spaced sidewalls coupled to a base member. Harrison's support member has no provision for a coupling with sidewalls as part of a frame, nor would such be reasonable, inasmuch as Harrison's support member 38 is clearly configured to receive the flat rack 36, which stands on legs 160 on the support (column 4, lines 35-46), with no positive coupling therebetween. Thus, a combination of the support and coupling mechanism of Harrison with the device taught by Pollock does not anticipate the limitations of claim 1.

Pollock fails to suggest any motivation for combining Harrison therewith. The Examiner has argued that the incorporation of Harrison's coupling device into Pollock's deep well would be obvious because it would permit "the automatic raising and lowering of the frame without the need for an operator to reach into the device and thereby risk being burnt or injured." An examination of Pollock's Figures 1 and 2 reveals that, when the cover 6 is removed from the

deep well, the handle 16 is readily accessible within the deep well, being positioned at a height approximately equal to, or slightly above, the upper rim of the deep well, and well removed from any other obstacles that might cause injury. Raising or lowering the rack of Pollock out of the deep well does not substantially reduce a risk of being burnt. After all, the act of raising the rack out of the well will not, in and of itself, render the rack cooler. Thus, in either event, whether one simply grasps the handle of the rack from the upper region of the well, or raises the rack first, then grasps the handle, it will be necessary to take further steps to prevent burning oneself on the rack while removing same from the well. In fact, the extra manipulation required to uncouple a hot rack from a lifting mechanism within the well would surely offset any putative safety advantage provided by raising the rack. Accordingly, there is no motivation to provide a coupling device within Pollock's deep well, and thus no motivation to combine Pollock with Harrison.

Additionally, with respect to the Examiner's statement that "it would have been obvious to one of ordinary skill in the art to incorporate the coupling device of Harrison into the invention of Pollock," it is well known in the art that deep wells of the type described by Pollock were common in electric ranges manufactured during the decades of the 1940's, 1950's, and 1960's. Such electric ranges were provided, as a standard accoutrement, with a cooking pot configured to fit very closely within the confines of the deep well. Such a pot was used for preparing foods such as soups and stews. In order for appropriate heat transfer from heating elements provided on the outside of the shell of the deep well, indicated by Pollock as reference numeral 12, to a cooking vessel within the deep well, a tight fit between the cooking pot and the shell of the deep well was necessary.

The existence of a coupling device as recited in claim 1, or of a rack and pinion device as taught by Harrison, in a deep well of the type disclosed by Pollock would interfere with the close fit of such a cooking pot, rendering the deep well useless for its original purpose. Nor does Pollock teach or suggest the modification of the deep well itself, as would be necessary for the incorporation of a coupling device, but instead offers a device that would make the well more useful and versatile, by providing a baking appliance configured to suspend articles of food to be baked within the existing deep well (page 1, column 1, lines 1-37). Pollock does not suggest limiting the use of a deep well to cooking with a baking rack, as would be the case were such

coupling devices to be affixed therein, but rather teaches a device that may be used in existing deep wells without the need of modification. Thus, Pollock offers no motivation for such a combination.

For at least the reasons outlined above, claim 1 is allowable over the cited prior art. Dependent claims 2, 3, and 5, are also allowable therewith.

Claim 6 has been amended to recite, in part, "control circuitry configured to execute various bread making instructions."

Support for this amendment may be found in the specification on page 4, beginning at line 10.

Pollock fails to teach the recited limitation of claim 6, nor would it be obvious to incorporate such control circuitry with Pollock's device, inasmuch as Pollock teaches a baking rack for use with the deep well of an existing electric range (column 1, lines 1-4). One may infer, from a reading of Pollock, that a benefit offered is that the usefulness of an existing deep well cooker can be broadened without the expense of modifying or replacing the cooker or range, per se (see, for example, column 1, line 45). Thus, Pollock teaches away from any combination that modifies the existing range. Accordingly, a combination of Pollock with Harrison is inappropriate, and claim 6, together with dependent claims 7-10 are allowable thereover.

Claim 11 recites, in part, "a container for receiving bread making ingredients, the container being releasably coupled to the baking chamber via *a coupling device* provided in the baking chamber;...a frame that is selectively placed into and removed from the baking chamber,...the base member [of the frame] engaging *the coupling device* when the frame is positioned in the baking chamber.

Apart from the inappropriate combination of Harrison with Pollock to reject claim 11, Harrison employs two different systems to couple the dough container 42 to the appliance 20 (column 5, lines 1-5), and the support 38, which the Examiner has cited as being functionally equivalent to the rack of claim 11, to the appliance (column 4, lines 3-6). When placing the dough container in the appliance, according to Harrison, "the dough container is seated in the appliance inner casing 28" (column 5, lines 1-4). Harrison makes no suggestion that the dough container should be coupled to the lifting mechanism. Further, applicant calls the Examiner's attention to Figure 4, which shows the dough container 42 in place in the appliance 20. It may be

seen that the dough container is positioned well clear of the lifting device, indicated in Figure 4 only by the reference numeral 138, used to raise the support 38. Thus, Harrison fails to teach the use of the same coupling device for both functions. Accordingly, claim 11, together with dependent claims 12-15 are allowable over Pollock.

With respect to the rejection of claim 16, the Examiner has argued that it would have been obvious to combine the frame having two sidewalls and a base member and vertically spaced removable trays of Pollock with the method of baking taught by Harrison. However, as acknowledged by the Examiner in the phone interview of June 2, 2003, a combination of Pollock's rack with Harrison's baking method would be inappropriate, inasmuch as Harrison teaches a system configured to lower a rack having a single layer, with bagels placed thereon, into a vessel of boiling water, and then raising the rack out of the boiling water. Combining this method with a multitiered rack such as Pollock teaches, would result in an operation in which bread products on the lowermost rack would enter the water first and leave the water last, while products on the uppermost rack would enter the water last, and leave the water first, resulting in items on the bottom rack being overcooked or items on the top rack being undercooked. Thus, the combination would result in a system that is ineffective in performing its intended purpose, namely, the even preparation and cooking of bagels. Accordingly, a combination of the structure of Pollock combined with the method of Harrison is inappropriate and therefore fails to anticipate the limitations of claim 16, which is therefore allowable thereover.

Claim 17 recites, in part, "placing the plurality of portions of dough onto a plurality of trays coupled to and supported by opposing sidewalls of a frame in vertically spaced relation to each other, [and] inserting the frame and trays coupled thereto into a chamber of an automatic bread making machine."

Harrison in view of Pollock fails to teach the limitations of claim 17, inasmuch as a combination of Harrison with Pollock would render the method taught by Harrison ineffective. Claim 17 is therefore allowable over the cited prior art.

Amended claim 18 recites, in part, "a coupling member extending downward from a bottom surface of the base member and configured to form an interference fit with a coupling member within the baking chamber."

Pollock in fails to teach all the limitations of claim 18. Accordingly, claim 18, together with dependent claims 20 and 21 are allowable over Pollock.

New claim 22 recites, "a coupling member extending downward from a bottom surface [of the base member], and [the step of] inserting the frame and trays...into the baking chamber until the coupling member engages the coupling device in the baking chamber to form an interference fit therewith."

Apart from depending from allowable claim 16, none of the cited prior art discloses the coupling configuration recited by claim 22, which is therefore allowable.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. In the event the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact applicants' undersigned representative at (206) 622-4900 in order to expeditiously resolve prosecution of this application.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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